



STATE OF WISCONSIN Assembly Journal

Ninety-Ninth Regular Session

TUESDAY, November 10, 2009

The Chief Clerk makes the following entries under the above date:

AMENDMENTS OFFERED

Assembly amendment 1 to Assembly substitute amendment 1 to **Assembly Bill 405** offered by Representative Roys.

Assembly amendment 1 to **Assembly Bill 527** offered by Representative Roys.

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 09-065

Relating to renewal, reinstatement of license, and continuing education.

Submitted by Department of Regulation and Licensing.

Report received from Agency, October 29, 2009.

To committee on **Consumer Protection**.

Referred on November 10, 2009.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 556

Relating to: designating the bacterium *Lactococcus lactis* as the Wisconsin state microbe.

By Representatives Hebl, Vruwink, A. Williams, Pasch, Danou and Fields; cosponsored by Senator Taylor.

To committee on **State Affairs and Homeland Security**.

Assembly Bill 557

Relating to: notification of school closings and reopenings.

By Representatives Bernard Schaber, Pope-Roberts, Berceau and Seidel; cosponsored by Senators Taylor and Hansen.

To committee on **Education**.

Assembly Bill 558

Relating to: the possession of a firearm by a person who has committed a misdemeanor crime of domestic violence and providing a penalty.

By Representatives Staskunas, Bernard Schaber, Hraychuck, Pasch, Pope-Roberts, Parisi, Roys, Berceau, Fields, Turner, A. Ott, Milroy, Cullen, Van Akkeren, Zepnick, Seidel, Strachota, Grigsby and LeMahieu; cosponsored by Senators Taylor, Robson, Lassa, Jauch and Coggs.

To committee on **Corrections and the Courts**.

Assembly Bill 559

Relating to: notice of firearm prohibition when served with notice of an injunction hearing and process for surrendering firearms following the granting of certain injunctions.

By Representatives Bernard Schaber, Staskunas, Roys, Turner, Fields, Pasch, Milroy, A. Ott, Hraychuck, Richards, Sinicki, Kestell, Hebl, Zepnick, Seidel, Grigsby, Toles, LeMahieu and Newcomer; cosponsored by Senators Taylor, Robson, Lassa, Jauch, Risser and Coggs.

To committee on **Corrections and the Courts**.

Assembly Bill 560

Relating to: remedial statutory changes affecting the Wisconsin Employment Relations Commission (suggested as remedial legislation by the Wisconsin Employment Relations Commission).

By Law Revision Committee.

To committee on **Labor**.

Assembly Bill 561

Relating to: eliminating the notary requirement for assessor certification renewal (suggested as remedial legislation by the Department of Revenue).

By Law Revision Committee.

To committee on **Urban and Local Affairs**.

Assembly Bill 562

Relating to: the master logger certification scholarship grant program (suggested as remedial legislation by the Department of Natural Resources).

By Law Revision Committee.

To committee on **Forestry**.

Assembly Bill 563

Relating to: eliminating obsolete provisions related to the use value assessment of agricultural land (suggested as remedial legislation by the Department of Revenue).

By Law Revision Committee.
To committee on **Agriculture**.

Assembly Bill 564

Relating to: long-term name reservation by a limited liability company (suggested as remedial legislation by the Department of Financial Institutions).

By Law Revision Committee.
To committee on **Financial Institutions**.

Assembly Bill 565

Relating to: changing the registered office or registered agent of a limited partnership or registered limited liability partnership (suggested as remedial legislation by the Department of Financial Institutions).

By Law Revision Committee.
To committee on **Financial Institutions**.

Assembly Bill 566

Relating to: certain review, reporting, and out-of-date requirements regarding the Public Service Commission (suggested as remedial legislation by the Public Service Commission).

By Law Revision Committee.
To committee on **Energy and Utilities**.

Assembly Bill 567

Relating to: amending and revising under s. 10.53 various provisions of ss. 10.62 to 10.82 of the statutes for the purpose of correcting conflicts between the listings in ss. 10.62 to 10.82 and the substantive statutes to which those sections refer. (Correction Bill).

By Law Revision Committee.
To committee on **Rules**.

Assembly Bill 568

Relating to: revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, and eliminating defects (Correction Bill).

By Law Revision Committee.
To committee on **Rules**.

Assembly Bill 569

Relating to: revising various provisions of the statutes for the purpose of supplying omissions and eliminating defects (Correction Bill).

By Law Revision Committee.
To committee on **Rules**.

Assembly Bill 570

Relating to: amending and revising various provisions of the statutes for the purpose of correcting errors and eliminating defects, anachronisms, conflicts, and ambiguities (Correction Bill).

By Law Revision Committee.
To committee on **Rules**.

Assembly Bill 571

Relating to: renumbering, amending, and revising various provisions of the statutes for the purpose of correcting and

clarifying references and reconciling conflicts (Correction Bill).

By Law Revision Committee.
To committee on **Rules**.

Assembly Bill 572

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Correction Bill).

By Law Revision Committee.
To committee on **Rules**.

Assembly Bill 573

Relating to: repealing, consolidating, renumbering, amending, and revising various provisions of the statutes for the purpose of correcting errors, supplying omissions, correcting and clarifying references, eliminating defects, anachronisms, conflicts, ambiguities, and obsolete provisions, reconciling conflicts, and repelling unintended repeals (Correction Bill).

By Law Revision Committee.
To committee on **Rules**.

Assembly Bill 574

Relating to: lightweight utility vehicles and providing a penalty.

By Representatives Vruwink, Garthwaite, Radcliffe, Danou, A. Ott, Turner, Ballweg, Suder and Hubler; cosponsored by Senators Schultz, Olsen and Taylor.
To committee on **Agriculture**.

Assembly Bill 575

Relating to: requiring the Department of Agriculture, Trade and Consumer Protection to establish standards for products sold as honey, prohibiting the labeling as Wisconsin certified honey of a product that has not been determined to meet the standards, prohibiting the labeling as honey of a product that does not meet the standards, and requiring the exercise of rule-making authority.

By Representatives Garthwaite, Vruwink, Barca, Ballweg, Brooks, Clark, Hilgenberg, Kerkman, Knodl, Molepske Jr., A. Ott, Pasch, Roys, Schneider, Steinbrink, Tauchen, Turner, Young and Zigmunt; cosponsored by Senators Vinehout, Lehman, Miller and Schultz.
To committee on **Agriculture**.

COMMITTEE REPORTS

The committee on **Tourism, Recreation and State Properties** reports and recommends:

Assembly Bill 219

Relating to: requiring that personal flotation devices be worn by certain underage persons in certain boats.

Assembly Amendment 1 adoption:

Ayes: 8 – Representatives Van Akkeren, Clark, Schneider, Hraychuck, Hilgenberg, Kaufert, Bies and M. Williams.

Noes: 0.

Passage as amended:

Ayes: 6 – Representatives Van Akkeren, Clark, Schneider, Hraychuck, Hilgenberg and Bies.

Noes: 2 – Representatives Kaufert and M. Williams.

To committee on **Rules**.

TERRY VAN AKKEREN

Chairperson

Committee on Tourism, Recreation and State Properties

The committee on **Transportation** reports and recommends:

Assembly Bill 496

Relating to: prohibiting electronic text messaging while driving and providing a penalty.

Assembly Amendment 1 adoption:

Ayes: 12 – Representatives Steinbrink, Zigmunt, Vruwink, Garthwaite, Fields, Bernard Schaber, Sinicki, Petrowski, A. Ott, Stone, Bies and Ripp.

Noes: 0.

Passage as amended:

Ayes: 12 – Representatives Steinbrink, Zigmunt, Vruwink, Garthwaite, Fields, Bernard Schaber, Sinicki, Petrowski, A. Ott, Stone, Bies and Ripp.

Noes: 0.

To committee on **Rules**.

Senate Bill 103

Relating to: restrictions on the operation of motor vehicles by persons using electronic text messaging devices and providing a penalty.

Concurrence:

Ayes: 10 – Representatives Steinbrink, Zigmunt, Fields, Bernard Schaber, Sinicki, Petrowski, A. Ott, Stone, Bies and Ripp.

Noes: 2 – Representatives Vruwink and Garthwaite.

To committee on **Rules**.

JOHN STEINBRINK

Chairperson

Committee on Transportation

MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Adopted and asks concurrence in:

Senate Joint Resolution 54

Passed and asks concurrence in:

Senate Bill 66

Senate Bill 184

Senate Bill 236

Senate Bill 244

Senate Bill 290

Senate Bill 292

Senate Bill 346

ACTION ON THE SENATE MESSAGE

Senate Joint Resolution 54

Relating to: commending Mary and Ted Kellner on the occasion of their receiving the Warren P. Knowles Humanitarian Award.

By Senators Darling, Miller, Kanavas and Taylor; cosponsored by Representatives J. Ott, Pasch, Townsend and M. Williams.

To committee on **Rules**.

Senate Bill 184

Relating to: licenses and limited X-ray machine operator permits to engage in the practice of radiography, creating a radiography examining board, granting rule-making authority, and requiring the exercise of rule-making authority.

By Senators Lehman, Taylor, Olsen, Risser, Robson, Darling and Coggs; cosponsored by Representatives Berceau, Benedict, Pasch, Van Roy, A. Ott, Barca, Turner, Hintz, Zepnick, Jorgensen, Staskunas, Mason, Lothian, Vruwink and Parisi.

To committee on **Rules**.

Senate Bill 191

Relating to: podiatrist-patient privilege, immunity exemption for podiatrists providing emergency care at athletic events, allowing podiatrists to determine an illness or injury and complete forms for the purpose of granting assistance to needy veterans, allowing podiatrists to determine disability for the purpose of issuing certain hunting permits, cooperatives organized to provide sickness care, the Podiatrists Affiliated Credentialing Board, allowing podiatrists to certify driver school instructors' physical fitness, allowing Medical Assistance recipients to freely choose among podiatrists, and giving equal weight to certifications of disability by podiatrists for insurance purposes.

By Senators Lehman, Taylor, Plale, Schultz, Wirch and Holperin; cosponsored by Representatives Barca, Zigmunt, Benedict, Turner, Kerkman, Steinbrink, Friske, Mason, Townsend, Zepnick, Ballweg, Berceau and Petrowski.

To committee on **Rules**.

Senate Bill 236

Relating to: electronic filing of campaign finance reports.

By Senators Hansen, Ellis, A. Lasee, Vinehout, Risser, Kedzie, Carpenter, Schultz, Wirch, Erpenbach, Cowles and Kapanke; cosponsored by Representatives Ziegelbauer, Roth, Schneider, Kessler, Brooks, Berceau, Nass, Toles, Ballweg, Vos and Nerison.

To committee on **Elections and Campaign Reform**.

Senate Bill 244

Relating to: specific information signs on certain portions of STH 21.

By Senators Lassa and Taylor; cosponsored by Representatives Schneider, Brooks, Jorgensen and Ballweg.

To committee on **Transportation**.

Senate Bill 290

Relating to: changes in the regulation of boxing contests, regulating mixed martial arts fighting contests, granting rule-making authority, making an appropriation, and providing a penalty.

By Senators Hansen, Lehman, Plale, Cowles, Lassa, Taylor and Sullivan; cosponsored by Representatives Colon, Pocan, Zepnick, Hintz, Zigmunt, Kleefisch, Vruwink, Richards, Cullen, Staskunas, Honadel and Seidel.

To committee on **Consumer Protection**.

Senate Bill 292

Relating to: the exemption of State Historical Society books from state printing requirements.

By Senators Lassa, Risser, Schultz, Taylor and Lehman; cosponsored by Representatives Berceau, Kestell, Pasch, Townsend, Ballweg, Gunderson, Pope-Roberts, Jorgensen and Mason.

To committee on **State Affairs and Homeland Security**.

Senate Bill 346

Relating to: required judicial findings and orders when a child is placed outside the home, termination of parental rights warnings, mandatory child abuse or neglect reporters, the confidentiality of social services records, changing from day care to child care the term used to describe care and supervision for children for less than 24 hours a day, and renumbering the definition of neglect.

By Senator Jauch; cosponsored by Representative Dexter.
To committee on **Rules**.

ENROLLED BILLS AND JOINT RESOLUTIONS

The following Assembly proposals, which have been approved by both the Assembly and Senate, have been enrolled by the Legislative Reference Bureau:

- Assembly Bill 174**
- Assembly Bill 209**
- Assembly Bill 250**
- Assembly Bill 258**
- Assembly Bill 292**
- Assembly Bill 297**
- Assembly Joint Resolution 77**
- Assembly Joint Resolution 85**

- Assembly Joint Resolution 86**
- Assembly Joint Resolution 87**
- Assembly Joint Resolution 88**
- Assembly Joint Resolution 89**
- Assembly Joint Resolution 90**
- Assembly Joint Resolution 91**
- Assembly Joint Resolution 93**
- Assembly Joint Resolution 95**

PATRICK E. FULLER
Assembly Chief Clerk

CHIEF CLERK REPORTS

The Chief Clerk records:

- Assembly Bill 8**
- Assembly Bill 136**
- Assembly Bill 153**
- Assembly Bill 174**
- Assembly Bill 209**
- Assembly Bill 211**
- Assembly Bill 281**

Presented to the Governor on Tuesday, November 10.

PATRICK E. FULLER
Assembly Chief Clerk

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

October 30, 2009

To the Honorable, the Legislature:

This report is transmitted as required by s. 20.002 (11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172 (3), Wisconsin Statutes) and confirms that the Department of Administration has found it necessary to utilize the “temporary reallocation of balances” authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of September 2009.

**September 2009 Utilization of Temporary
Reallocation Authority**
[\$ in millions]

Injured Patients and Families Compensation Fund

Beginning balance -\$44.3
Ending balance -\$33.1
Low balance -\$44.4
Reason for cash deficit: See detailed explanation below

Mediation Fund

Beginning balance -0.1
Ending balance -0.1
Low balance -0.1
Reason for deficit: Timing of revenues and expenditures

Permanent Endowment Fund

Beginning balance -2.0
 Ending balance -2.0
 Low balance -2.0
 Reason for deficit: Timing of revenues and expenditures

Utility Public Benefits Fund

Beginning balance -5.8
 Ending balance -10.4
 Low balance -10.5
 Reason for deficit: Timing of revenues and expenditures

The cash deficit in the Injured Patients and Families Compensation Fund was due to the transfer of \$200 million to the Medical Assistance Trust Fund per [2007 Wisconsin Act 20](#), and the pending liquidation of fund securities necessary to offset this shortfall.

The Injured Patients and Families Compensation Fund, Mediation Fund, Permanent Endowment Fund, and Utility Public Benefits Fund shortfalls were not in excess of the statutory interfund borrowing limitations and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund's share. Therefore, the monthly calculation by the State Controller's Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,
 MICHAEL L. MORGAN
 Secretary

Referred to committee on **Ways and Means** and joint committee on **Finance**.

State of Wisconsin
 Wisconsin Tax Appeal Commission
 Madison

November 3, 2009

To the Honorable, the Legislature:

Please find the attached Tax Appeals Commission 2007-2009 Biennial Report. This report also is posted on the Commission's webpage at www.wisbar.org and is submitted to you pursuant to Wis. Stat. s. [15.04 \(1\)\(d\)](#). If you have any questions or comments regarding the report, please contact me at the Commission's office at 608-266-1391. Thank you.

Sincerely,
 DAVID C. SWANSON
 Chairperson

Referred to committee on **Ways and Means** and joint committee on **Finance**.

AGENCY REPORTS

State of Wisconsin
 Legislative Audit Bureau
 Madison

November 10, 2009

To the Honorable, the Assembly:

As requested by the Public Service Commission (PSC), we have completed a financial audit of the Universal Service Fund (USF), which was established to ensure that all Wisconsin residents receive essential telecommunications services and have access to advanced telecommunications capabilities. The USF is funded primarily through assessments the PSC levies on providers of telecommunications services, which may be fully recovered from consumers. In fiscal year (FY) 2007-08, provider assessments totaled \$31.6 million.

Eight of 14 programs supported by the USF during the period we audited are operated by the PSC. However, the largest program supported by the USF in FY 2007-08 was the Educational Telecommunications Access Program, which is administered by the Department of Administration. That program subsidizes data lines and video links for eligible educational institutions and entities such as public libraries and had expenditures of \$14.6 million. The USF also provided \$14.0 million in FY 2007-08 to fund Aid to Public Library Systems, a program administered by the Department of Public Instruction; funded three other programs administered by that agency; and helped to fund access to voice, data, and video services for four-year University of Wisconsin System campuses.

In past audits, we noted that the USF's fund balance had increased steadily because revenue from provider assessments exceeded program expenditures. In contrast, FY 2007-08 expenditures exceeded revenues by \$5.6 million. The resulting decline in the fund balance is largely attributable to increased reliance on the USF as a funding source for public libraries. In FY 2008-09 the USF became the sole funding source for Aid to Public Library Systems, and the current biennial budget requires it to provide \$16.2 million in funding for that program in FY 2009-10 and \$16.7 million in FY 2010-11.

Our audit report contains our unqualified opinion on the USF's financial statements for the fiscal years ending June 30, 2008, and June 30, 2007. Our Report on Internal Control and Compliance includes a recommendation for the Department of Administration to ensure the accuracy of copayment billings for institutions participating in the Educational Telecommunications Access Program.

We appreciate the courtesy and cooperation extended to us by staff at the PSC, the Department of Administration, the Department of Public Instruction, the University of Wisconsin System, and the USF's administrator, Wipfli LLP.

Sincerely,
 JANICE MUELLER
 State Auditor